

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

CITY OF JEFFERSONVILLE, KENTUCKY

COMPLAINANT

v.

MONTGOMERY COUNTY WATER DISTRICT  
NO. 1

DEFENDANT

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) CASE NO. 97-377  
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O R D E R

The City of Jeffersonville, Kentucky ("Jeffersonville") has brought a formal complaint against Montgomery County Water District No. 1 ("Montgomery District"). On September 23, 1997, Montgomery District responded to this complaint by letter. Peggy Coburn and Bob Donaldson submitted the letter on behalf of Montgomery District. Neither signatory is a licensed attorney.

No person may engage in the practice of law in Kentucky without first obtaining a license to practice. SCR 2.100. The practice of law is

any service rendered involving legal knowledge or legal advice, whether of representation, counsel advocacy in or out of court, rendered in respect to the rights, duties, obligations, liabilities or business relations of one requiring the services.

Kentucky Supreme Court Rule 3.020. It includes, as Kentucky's highest court held in Kentucky State Bar Association v. Henry Vogt Machine Co., 416 S.W.2d 727 (Ky. 1967), the representation of a corporation before a state administrative agency.

As to its own proceedings, this Commission has adopted a similar position and has required that those representing the interests of others before us be licensed attorneys. In a previous case, this Commission ordered that:

[A]ny attorney who is not licensed to practice in the State of Kentucky and who seeks to represent a client or employer before this Commission, must engage a member of the Kentucky Bar Association. It logically follows that if an unlicensed attorney may not represent a client before this Commission, neither may a layman.

Administrative Case No. 249, Practice Before the Commission by Attorneys Non-Licensed in the Commonwealth of Kentucky (June 15, 1981) at 2.

Commission regulations concerning formal complaints incorporate, at least in part, these sentiments. Administrative Regulation 807 KAR 5:001, Section 12(2), states in part:

Complaints by corporations or associations, or any other organization having the right to file a complaint, must be signed by its attorney and show his post office address [emphasis added].

The regulation requires that a corporation or other organization, from the outset of a complaint proceeding, be represented by an attorney.

Based on the above, the Commission finds that Montgomery District's Answer fails to comply with Kentucky law and should not be accepted for filing. We further find that Montgomery District should be permitted to file an Answer within 20 days of the date of this Order which complies with Administrative Regulation 807 KAR 5:001. Montgomery District's failure to submit a timely answer which complies with this administrative regulation will be considered as an admission of all allegations contained in the

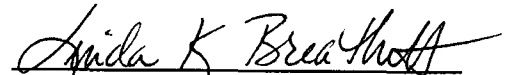
complaint and will constitute grounds for the entry of an Order granting the Complainant's requested relief.

IT IS THEREFORE ORDERED that:

1. Montgomery District's Answer is rejected.
2. Within 20 days of the date of this Order, Montgomery District shall submit an Answer which complies with Administrative Regulation 807 KAR 5:001. Failure to submit a timely answer which complies with this administrative regulation will be considered as an admission of all allegations contained in the complaint and will constitute grounds for the entry of an Order granting the Complainant's requested relief.

Done at Frankfort, Kentucky, this 14th day of October, 1997.

PUBLIC SERVICE COMMISSION

  
Chairman

  
Vice Chairman

  
Commissioner

ATTEST:

  
Executive Director